IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15956 of 2004

Between:

M/s. AP Tanneries Limited Nellimerla, Leather Complex Area, IDA, Vizanagaram District rep by its Manager (Personal & Administration), Mr, N. Venkata Rao

..... PETITIONER

AND

1 The Commercial Tax Officer (South), Vizianagaram
2 The Appellate Deputy Commissioer (CT) Kakinada,
3 Additional Commissioner (CT) Legal (FAC) Nampally, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or certiorari or any other appropriate Writ or order or direction quashing the order of the 3rd Respondent in CT's Ref. No. LV(3)/2486/2004 dated 26-8-2004 and restrain the 1st Respondent from taking any coercive steps for collection of balance disputed tax of Rs.6,62,533/- pending disposal of the appeal filed before the sales tax Appellate Tribunal.

Counsel for the Petitioner:I.SUDHAKARA REDDY

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. Out of the disputed tax liability of Rs.11,88,528/-, the petitioner has already deposited Rs.5,25,995/-. Therefore in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to payment of Rs.50,000/- (Fifty thousand only) by the petitioner within a period of two weeks from today. For two weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within two weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

9th September, 2004.

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(S.ANANDA REDDY, J)

ajr

To

1 The Commercial Tax Officer (South), Vizianagaram
2 The Appellate Deputy Commissioer (CT) Kakinada,
3 The Additional Commissioner (CT) Legal (FAC) Nampally, Hyderabad

4 Two C.Cs. to the G.P. for Commercial Taxes, High Court

Buildings, Hyderabad (O.U.T).

5 Two C.D. copies.